UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 22

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Technology Center 2100

In re Application of: Hart et al.	)	
Application No. 09/275,273	)	DECISION ON REQUEST TO
Attorney Docket No. 42390.P5368	)	WITHDRAWAL HOLDING OF
Filed: March 23, 1999	)	ABANDONMENT
MULTIPLE VOLTAGE REGULATORS	)	
FOR USE WITH A SINGLE LOAD	)	

This is a decision on the request to withdraw the holding of abandonment, filed November 30, 2004, which is treated as a petition under 37 C.F.R. §1.181(a) and M.P.E.P. §711.03 (c): Petitions Relating to Abandonment, to withdraw holding of abandonment.

The petition is **GRANTED.**

Applicable Prosecution History

August 12, 2004	Examiner affirmed by Board (Paper No. 19).
November 08, 2004	Notice of Abandonment (Paper No. 20).
November 30, 2004	Request to withdraw holding of abandonment (Paper No. 21) which includes a copy of the auto-reply facsimile transmission, a copy of the October 12, 2004 Request for Continued Examination (RCE), the Certificate of Transmission, and the amendment filed with the RCE.

A grantable petition must include a copy of the response and proof of timely filing of the response. A properly used Certificate of mail transmission that includes a 37 CFR 1.8 (b) (3) Statement or an Office generated FAX receipt that properly identifies the contents of the submission is acceptable. No fee is required.

The request for the withdrawal of abandonment and the copy of the auto-reply facsimile both indicate that the October 12, 2004 Request for Continued Examination (RCE), the Certificate of Transmission, the amendment filed with the RCE, and the authorization to charge fees associated with filing the RCE and for the extra claim were timely filed on October 12, 2004. Copies of these papers were filed with the request for withdrawal of the holding of abandonment and thus serve as a record of the contents of these papers in the file jacket.

The Auto-Reply facsimile cover page which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on October 12, 2004 with the authorization to charge the requisite fee for extensions of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**. The Office regrets any inconvenience caused by this error.

The application file is being forwarded to the Technology Center support staff with instructions to withdraw the holding of abandonment and for processing of the amendment. In addition, the support staff in instructed to charge the $808.00 fee to deposit account # **50-0221** for filing of the RCE and for the extra claim. After processing, the application will then be forwarded to the Examiner for appropriate action.



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